THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

-

WRIT PETITION NO: 1357 of 1996

-

Date: 28-07-2005

Between:

1. C.Vengala Reddy S/o. Hanumantha Reddy, H.No.69-480, Joharapuram Village, Kurnool Mandal Kurnool Dist
2. S.Ranga Reddy S/o. Hanumantha Reddy, H.No.40-374 Vidyanagar, Kurnool, Kurnool Dist
3. P.Maria Das S/o. P.Bhushanna Goud, Kurnool, Kurnool Dist

..... PETITIONERS

AND

1. The District Collector, Kurnool.
2. The Government of Andhra Pradesh rep.by its Secretary Social Welfare, Secretariat Buildings, Saifabad, Hyderabad

.....RESPONDENTS

-

-

-

-

-

-

-

-

-

-

-

-

-

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO.1357 OF 1996

ORAL ORDER:

This petition is filed questioning the notification under Section 4(1) of the Land Acquisition Act, 1894 (the Act), proposing to acquire the lands of the petitioners. Since the enquiry under Section 5-A of the Act is dispensed with and since reasons for the urgency are not mentioned and since it is held by the apex Court in **UNION OF INDIA v. KRISHAN LAL ARNEJA** that the dispensation of enquiry under Section 5-A of Act cannot be a routine one and since providing house sites to Harijans per se cannot be a ground for dispensing with enquiry under Section 5-A of the Act, the notification is liable to be and hence is quashed.

2. The petition is accordingly allowed.

(C.Y.Somayajulu, J.)

Date: 28-07-2005

Cvrk